IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 5362 of 2007(L)
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PETITIONER:
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SREEDEVI, AGED 29 YEARS,
D/O.LATE SRI RAJAPPAN NAIR, INCHORE HOUSE,
KUZHUR P.O. CHALAKKUDY VIA, THRISSUR DISTRICT.

BY ADV. SRI.VARGHESE P.CHACKO

RESPONDENTS:
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1. THE COCHIN DEVASWOM BOARD,
REPRESENTED BY THE SECRETARY,
COCHIN DEVASWOM BOARD,
THRISSUR 1, KERALA.

2. THE DEVASWOM COMMISSIONER,
COCHIN DEVASWOM BOARD,
THRISSUR 1, KERALA.

3. THE DEVASWOM OFFICER,
ANNAMANADA DEVASWOM OFFICE,
THRISSUR 1.

BY SC SHRI. P.GOPALAKRISHNA KURUP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.K.DENESAN, J.**

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**WP(C)No. 5362 OF 2007**

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**Dated this the 27th February, 2007.**

**JUDGMENT**

The petitioner is the dependant of one late Rajappan Nair who expired on 26.1.2003 while working as Kuzhal Adiyanthiram in Kuzhur Kshetram under the respondent-Devaswom Board. The petitioner has claimed that she shall be appointed under the dying in harness scheme in one of the regular posts on the establishment side. According to her, vacancies that are likely to arise on the establishment side will go in favour of male candidates only since most of the posts are earmarked for male candidates on the ground that females may not be able to perform those duties. According to her the scheme evolved by the respondent-Devaswom Board will entitle her to be considered against a vacancy on the establishment side.

2. Standing counsel for the Devaswom Board, on instruction, submits that the scheme presently in force do not provide for any appointment under the dying in harness scheme against vacancies that would arise on the establishment side. Dying in harness scheme as now in force will be implemented only in respect of posts or vacancies among temple employees and does not confer any right of appointment against a vacancy that would arise in

a post borne on the establishment side. It is submitted that the scheme has undergone some changes and the concession that was extended to dependants of santhies at some point of time to stake a claim for appointment under the dying in harness scheme against the post borne on the establishment cadre has been withdrawn and the position has reverted back to the initial scheme which does not provide for any consideration on compassionate ground against vacancies in the establishment side.

3. Standing counsel further submits that the petitioner's service was utilised as a daily wage employee (Helper) and as and when regular vacancy will arise against one of the suitable posts in the temple employees cadre, the petitioner's claim will be considered according to her turn and that appointment orders issued accordingly.

4. Counsel for the petitioner submits that the respondent shall extend the scheme to posts coming within the purview of the establishment cadre also, because as far as female employees are concerned they will be able to stake a claim for posts in the temple employees cadre only against selected and limited number of posts.

5. The contention thus raised by the counsel for the petitioner is a matter for the respondent-Board to consider. It is trite that no dependant has got a vested

right to make a claim that he or she shall be appointed by the employer under the dying in harness scheme. It is not as though a particular vacancy will remain reserved for such dependants. Recording the submission made by the standing counsel that the petitioner's claim will be considered according to the scheme and she will be offered appointment as and when her turn reaches. Writ petition is disposed of with the above observation.

**K.K.DENESAN**
**Judge**

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